

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

JOSE M.V. RODRIGUES
#A 76 130 140
PETITIONER
VS
JOSEPH F. McDONOUGH
- Sheriff of Plymouth County
Department of Homeland Security
RESPONDENT

CLERK OF COURT

2004-1-P-247

DISTRICT OF MASS.

1-10-04  
referred to MJ RB CollingApplication for federal writ of habeas Corpus  
under 28 U.S.C. 2241

- I am presently confined at the Plymouth County Correctional facility.
  - The basis of my petition is about continued detention by The Department of Homeland Security.
  - The D.H.S. does not have authority to detain me indefinitely, this my detention is unlawful.
  - This is because my removal can not be completed in the near future. *Zadvydas v. Davis*, 533 U.S. 678 (2001).
- (1) Basically, I was order deported on April 2003, I have given the I.N.S./D.H.S. all my papers from the 1st time I got arrested into I.N.S. office in Providence RI, last June 23 2003. On July 18<sup>2003</sup> I went to the Court were my 2nd hearing and the Judge ordered me deported that date of my final order. Seven months later I received another letter from D.H.S. stating my detention will be continued. Usually I had being communicating with office of Detention and Removal, and my families (wife and cousins) called many times and went to my consulate all in vain. My detention is in violation of my rights.
  - (1) I exhausted to sending letter to I.N.S. and requesting for my release and thus my last option is this judicial action. In also I believe that my detention is unlawful according to 8 C.F.R. 2441.
  - (1) I am not flight risk, I am not danger to the public safety and Community, I did not have any disciplinary problems in jail. I do have a guardian and support,

.../...



**U.S. Department of Homeland Security**  
**Bureau of Immigration and Customs Enforcement**  
**Detention & Removal Operations**

*JFK Federal Building  
Government Center  
Boston, Massachusetts 02203*

**RODRIGUES, JOSE A76130140**  
C/O PLYMOUTH COUNTY HoFC

8 January, 2004

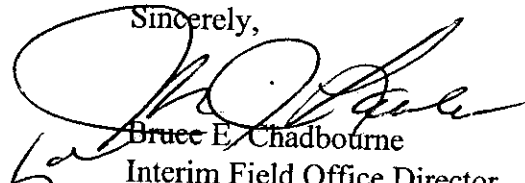
On December 21, 2000, regulations were promulgated governing aliens whose removal from the United States is not immediately possible. These regulations are codified in Chapter 8 Code of Federal Regulations, Section 241.4 and supercede the interim procedures that governed these cases prior to that date.

The responsibility for conducting all future reviews in your case will be maintained by the Bureau of Immigration and Customs Enforcement Headquarters Post-order Detention Unit (HQPDU). All inquiries regarding your present custodial status should be directed to the local Bureau office having jurisdiction over your present place of confinement and, in duplicate, to the following address:

Headquarters Post-order Detention Unit  
801 I Street, NW- Suite 800  
Washington, DC 20536

The HQPDU will, at the earliest convenience, provide you with written notification regarding the specifics of your next review. It is in your best interest to maintain proper behavior while awaiting this action.

Sincerely,

  
Bruce E. Chadbourne  
Interim Field Office Director  
Boston, MA

JOSE M. RODRIGUES

# A 76 130 140

PLYMOUTH COUNTY C. FACILITY

# 36102

0.

I send this letter TO :

- U.S. Department of Homeland Security  
Bureau of I. Customs E.  
JFK Federal Building - Government Center  
Boston, Ma 02203 / **BRUCE E. CHADBOURNE**  
Office Director
- OFFICE OF DETENTION & REMOVAL OPERATIONS  
U.S. Department of Homeland Security  
425 I STREET, NW  
Washington, DC 20536
- Headquarters Post-order Detention Unit  
801 I STREET, NW - SUITE 800  
Washington, DC 20536

Signature:

Jose M. V. RODRIGUES

Date: 02-24-04

JOSE M. RODRIGUES  
 #A 76 .30 140  
 PLYMOUTH COUNTY C. FACILITY  
 #36702

UNITED STATES DISTRICT COURT  
 OFFICE OF THE CLERK  
 1 COURTHOUSE WAY, SUITE 2300  
 BOSTON, Ma 02210

On December 18 1999, I entered United States with a Fiancee visa. My Fiancee and I we married on January 8 2000. Months latter she diforced me. I moved from East Providence to Pawtucket RI, and worked in NORWOOD Ma. U.S.A. TODAY (PAPERS).

During the time I was living in Pawtucket, I met my wife Gloria G. RODRIGUES U.S. citizen and one child, D'joroma G. Rodriguez 11 months old and we all was living together, at that time I was working in MOVERS COMPANY and another partime job<sup>as</sup> mechanic.

Last June 23 2003, my wife and I went the I.N.S. office in downtown Providence RI to work on my papers, I was arrested afeter I gave my passport and other papers to them and the I.N.S. officer told me that because I miss court-date. I was in Bristol county Sheriffe NORTH DARTMOUTH.

On July 18 2003 I went to the Court was my 2nd hearing and The Judge ordered me deported because I miss Court-date. At that time I could not speak English and my Lawyer did not do much for me. Three months latter I got moved to Plymouth County - Plymouth Ma.

Seven months latter I Received the letter from The D.H.S (Department Homeland Security) and I.C.E. (Immigration Customs Enforcement) to continued my detention. Usually I have being communicating with office of Detention and Removal and my families (wife and cousins) have being called and went to my Consulate all in vain.

I am asking you to please give me a chance to be reunited with my family, wife and kids they rely need on my help for financial support.

I express my concern to D.H.S. and others authorities, that I will collaborate by any condition placed on my Release and I will abide by any time expect

(JOSE M RODRIGUES  
AND  
GLORIA G. RODRIGUES)

UNITED STATES DISTRICT COURT  
OFFICE OF THE CLERK  
1 COURTHOUSE WAY, SUITE 2300  
BOSTON, MA 02210

LETTER SUPPORT - DATE: Feb. 24-04

My name is Gloria G. Rodrigues. I live at 130-A Fillmore Street Providence RI. I am the wife of Jose M.V. Rodrigues. I am a citizen of the United States of America. I met Jose three years ago and have been happily married for a year and half. I love and miss my husband terribly.

Jose has always worked to be a good provider, husband and father. We have one child together. Our sons' name is D'joroma G. Rodrigues and he is now 11 months old. Jose has been incarcerated for 7 months in the Plymouth County correctional facility by the INS (Immigration and Naturalization Service.) My husband's detention has had an emotional and financial effect on all of us.

In July 2003, Jose and I went to the Immigration office in Providence, RI in an attempt to file the necessary paperwork to seek permission for Jose to become a citizen. The INS Officers detained Jose on the spot. I believe that our delay in applying may have been the cause of Jose's detainment. That was not our intent. Shortly after we were married we found out that we were expecting a child. Unfortunately I became very sick during the pregnancy and never really recovered until after I delivered our son. Also, We were newly married and just wanted to settle in and make sure that our marriage would last. That is why we took so long to apply. This marriage was not one of convenience. It is a true marriage. I love my husband with all my heart and he loves me with all of his heart, too.

We have four children that we are raising together. Jay who is 12, and Dean who is 10, are my sons from my previous relationship. Amanda who is 12, is my niece whom I have raised since she was three years old, and D'joroma, our son together. My husband has not seen D'joroma or the other children since D'joroma was three (3) months old.

Although Jose is not the biological father of Jay, Dean and Amanda, he has stepped up to the plate and has been a wonderful father to all of them. D'joroma and I are not the only people affected by Jose's detainment, the other children have been truly affected as well. They have built a wonderful relationship with Jose, and Jose's absence has been very difficult on them, too.

Our baby has recently been diagnosed with Asthma. He has been suffering all winter. I have been trying to hold my home together and do everything I can while I stand by my husband. It has been a tremendous struggle for our family. I have been working two jobs and raising our four (4) children all by myself. Jose has been a wonderful father and role model to all of the children. My husband is a strong man, a wonderful husband and father and a positive role model. Jose is not a criminal. He does not deserve to be in prison.

~~Mr. Curtis~~ please take our case into consideration. I say our case because my husband's incarceration has truly been a prison sentence for me, him and all four of our children, Jay, Dean, Amanda and most of all, our 11 month old, D'joroma. Your decision doesn't affect just Jose it affects all of us. We need Jose home. Jose needs to be home. Please help us bring Jose home where he belongs.

Sincerely,

  
Gloria G. Rodrigues



# STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

BK 068 PG 234

SEE REVERSE  
for  
INSTRUCTIONS

2002-161

LOCAL FILE NUMBER

RHODE ISLAND DEPARTMENT OF HEALTH  
LICENSE AND CERTIFICATE OF MARRIAGE

<b>GROOM</b>	GROOM—FIRST NAME 1. Jose		MIDDLE Maria		STATE FILE NUMBER LAST Rodrigues	
	MAILING ADDRESS OF RESIDENCE 2a. 31 Bagley St		STREET OR R.F.D. AND NUMBER, CITY OR TOWN, STATE, ZIP CODE Pawtucket, RI 02960		CITY OR TOWN OF RESIDENCE AND STATE (If different from 2a.)	
	BIRTHPLACE (State or Foreign Country) 3. Cape Verde		DATE OF BIRTH (Month, day, year) 4a. 10/23/1959		AGE LAST BIRTHDAY 4b. 42	
	FATHER—FIRST NAME 5a. Nascimento	LAST NAME Rodrigues	BIRTHPLACE (State or Foreign Country) 5b. Cape Verde	MOTHER—FIRST NAME 6a. Dulce	MAIDEN NAME Vieira	BIRTHPLACE (State or Foreign Country) 6b. Cape Verde
<b>BRIDE</b>	BRIDE—FIRST NAME 7a. Gloria		MIDDLE Lynn		LAST Graham	
	MAILING ADDRESS OF RESIDENCE 8a. 130A Fillmore St		STREET OR R.F.D. AND NUMBER, CITY OR TOWN, STATE, ZIP CODE Providence, RI 02908		CITY OR TOWN OF RESIDENCE AND STATE (If different from 8a.)	
	BIRTHPLACE (State or Foreign Country) 9. Providence, RI		DATE OF BIRTH (Month, day, year) 10a. 8/10/1967		AGE LAST BIRTHDAY 10b. 34	
	FATHER—FIRST NAME 11a. Rommie	LAST NAME Graham	BIRTHPLACE (State or Foreign Country) 11b. NC	MOTHER—FIRST NAME 12a. Modena	MAIDEN NAME Pope	BIRTHPLACE (State or Foreign Country) 12b. NC
<p>WE HEREBY CERTIFY THAT THE INFORMATION PROVIDED IS CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF AND THAT WE ARE FREE TO MARRY UNDER THE LAWS OF RHODE ISLAND.</p>						
<b>APPLICANT SIGNATURES</b>	GROOM'S SIGNATURE 13. Jose Maria Vieira Rodrigues			BRIDE'S SIGNATURE Gloria Graham		
	ISSUANCE DATE 15a. 6/19/2002		EXPIRATION DATE 15b. 9/18/2002		15c. VALID ONLY IN _____ state of _____ RHODE ISLAND.	
<b>OFFICIANT</b>	14a. I solemnly declare that the above named persons were married in Rhode Island at CITY OR TOWN OF MARRIAGE East Providence			15a. REGISTRAR ISSUING LICENSE VICTOR W. FERRA		
	16a. SIGNATURE OF PERSON PERFORMING THE CEREMONY Joseph T. Little			DATE OF MARRIAGE 16b. July 13, 2002		
	16c. OFFICIANT—TYPED OR PRINTED NAME Joseph T. Little			TYPE OF CEREMONY (Religious or civil) 16d. civil		
<b>WITNESSES SIGNATURES</b>	17a. SIGNATURE OF WITNESS TO CEREMONY Princess Jones			17b. TYPED OR PRINTED NAME OF WITNESS Princess Jones		
	18a. SIGNATURE OF WITNESS TO CEREMONY Volando Oliveira			18b. TYPED OR PRINTED NAME OF WITNESS Volando Oliveira		
	19a. LOCAL HEALTH OFFICIAL MAKING RETURN TO STATE HEALTH DEPARTMENT Valerie L. Levy			FILE DATE—DATE RECEIVED BY REGISTRAR (Month, day, year) 19b. July 15, 2002		

CONFIDENTIAL: INFORMATION THE INFORMATION BELOW WILL NOT APPEAR ON CERTIFIED COPIES OF THE RECORD

I hereby certify that this a true and exact copy of the document officially registered and placed on file in the issuing office.

02064648

Issuing Office CITY OF EAST PROVIDENCE

Date of Issuance JUN 16 2003

Signature of Registrar

*Valerie L. Levy*

THIS COPY VALID ONLY IF ISSUED ON PAPER WITH ENGRAVED BORDER DISPLAYING RAISED SEAL AND SIGNATURE OF STATE OR LOCAL REGISTRAR.

VS-81

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

# STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

No. 33465

TYPE OR PRINT  
IN PERMANENT  
BLACK INK

## RHODE ISLAND DEPARTMENT OF HEALTH CERTIFICATE OF LIVE BIRTH

LOCAL FILE NUMBER		BIRTH NUMBER	
CHILD	CHILD - FIRST NAME 1A. <b>DJOROMA</b>	CHILD - MIDDLE NAME 1B. <b>GRAHAM</b>	CHILD - LAST NAME 1C. <b>RODRIGUES</b>
	SEX 2A. <b>MALE</b>	THIS BIRTH - SINGLE, TWIN, ETC. (Specify) 2B. <b>SINGLE</b>	IF NOT SINGLE, BORN 1st, 2nd, ETC. 2C. <b>-</b>
	COUNTY OF BIRTH 3A. <b>PROVIDENCE</b>	CITY, TOWN, OR LOCATION OF BIRTH 3B. <b>PROVIDENCE</b>	DATE OF BIRTH (Month, day, year) 2D. <b>MAR 4, 2003</b>
	HOSPITAL - NAME (If not in hospital, give street and number) 3C. <b>WOMEN &amp; INFANTS HOSPITAL OF RI</b>		HOUR OF BIRTH 2E. <b>7:11 PM</b>
CERTIFIER	I CERTIFY THAT THE ABOVE NAMED CHILD WAS BORN ALIVE AT THE PLACE AND TIME AND ON THE DATE STATED ABOVE.		
	4A. Signature <i>Fariborz Khorsand M.D.</i>		DATE SIGNED (Month, day, year) 4B. <b>MAR 4, 2003</b>
	CERTIFIER - NAME 5A. <b>FARIBORZ KHORSAND-RAVAN</b> (Type or print)		ATTENDANT - M.D., D.O., MIDWIFE, OTHER (Specify) 4C. <b>MD</b>
	MAILING ADDRESS (Street or R.F.D. No., city or town, state, zip) 6A. <b>655 BROAD STREET, PROVIDENCE, RI</b>		
REGISTRAR	REGISTRAR - SIGNATURE 7A. <i>[Signature]</i>		DATE RECEIVED BY REGISTRAR (Month, day, year) 7B. <b>MAR 14 2003</b>
MOTHER	MOTHER - FIRST NAME 8A. <b>GLORIA</b>	MOTHER - MIDDLE NAME 8B. <b>LYNN</b>	MOTHER - MAIDEN NAME 8C. <b>GRAHAM</b>
	MOTHER - DATE OF BIRTH (Month, day, year) 9A. <b>8/10/1967</b>	MOTHER - AGE (If DOB (9A) unknown) 9B. <b>35</b>	MOTHER - BIRTH PLACE (State or foreign country) 9C. <b>RHODE ISLAND</b>
	MAILING ADDRESS OF RESIDENCE (Street or R.F.D. No., city or town, state, zip) 10A. <b>130 FILLMORE STREET, APT. A, PROVIDENCE, RI, 02908</b>		
	RESIDENCE ADDRESS (If different from mailing address) 11A. <b></b>		
FATHER	FATHER - FIRST NAME 12A. <b>JOSE</b>	FATHER - MIDDLE NAME 12B. <b>MARIA</b>	FATHER - LAST NAME 12C. <b>RODRIGUES</b>
	FATHER - DATE OF BIRTH (Month, day, year) 13A. <b>10/23/1959</b>	AGE (If DOB (13A) unknown) 13B. <b>43</b>	FATHER - BIRTHPLACE (State or foreign country) 13C. <b>CAPE VERDE</b>

I hereby certify that this a true and exact copy of the document officially registered and placed on file in the Issuing office.

02034692

Issuing Office **City Registrar Providence**Date of Issuance **MAY 12 2003**Signature of Registrar *[Signature]*

THIS COPY VALID ONLY IF ISSUED ON PAPER WITH ENGRAVED BORDER DISPLAYING RAISED SEAL AND SIGNATURE OF STATE OR LOCAL REGISTRAR.

VS-81



**CHAD BROWN HEALTH CENTER**

**285A Chad Brown Street**

**Providence, RI 02908**

**Tel (401) 274-6339**

**Fax (401) 453-6290**

June 25, 2003

**Re: Jose Rodrigues**  
**DOB 10-23-59**

To Whom It May Concern:

Jose Rodrigues is the husband of Gloria Graham-Rodrigues, a patient of mine at Chad Brown Health Center. I have known and cared for her and her children as their family doctor for over nine years, including treatment for episodes of depression.

Her mood stabilized significantly at the time of her marriage, which represented a stable emotional period for her. Ms. Graham-Rodrigues and her husband recently had a baby in March of this year, and the mid to latter part of the pregnancy was complicated by recurrence of her depressive symptoms, likely secondary to the hormonal changes of pregnancy. Her husband's presence and support were critical in terms of her ability to cope with and manage the symptoms of depression and pregnancy. She carried to term, they have a healthy baby boy, and her mood has once again stabilized.

In my medical opinion, having known and cared for Ms. Graham-Rodrigues for nine years, her marriage to Mr. Rodrigues has been a healthy and stabilizing factor in her life and for her mental health. Although I do not know her husband, my knowledge of her as an individual and as a patient have shown me that this relationship consists of mutual respect, support, affection and humor, key ingredients usually found in a good marriage.

Were Mr. Rodrigues to be deported, the effects of his absence would potentially have disastrous consequences to her health, as well as have a negative impact on her children and their new baby, who have together formed a new family.

For medical and family reasons I respectfully request that you give your strongest consideration to allowing this couple and this family to remain together.

Sincerely,

Ellen L. Lee, MD  
Medical Director  
Rhode Island License #7436





STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATIONS

FAMILY COURT  
FINAL JUDGMENT

COUNTY Providence	CIVIL ACTION - FILE NO. P00-2383
PLAINTIFF Dina Fortes Rodrigues	VS. DEFENDANT Jose Rodrigues

☐ ANSWERED ☒ UNANSWERED

This action came on for trial before the Court, Justice **Bedrosian** presiding and the issues having been tried and a decision having been duly rendered in favor of Plaintiff ~~XXXXX~~ on the 14 day of December ~~XX~~<sup>19</sup> 2000

NOW THEREFORE, three months having elapsed and no reason appearing why a final judgment should not be entered, it is ordered, adjudged and decreed that the Plaintiff's Complaint ~~and Defendant's Counterclaim is are hereby granted~~ and that the bond of matrimony now existing between the parties be, and the same is, hereby dissolved upon the grounds (s) of

1. Plaintiff is granted an absolute divorce on the grounds of irreconcilable differences which have caused the irremediable breakdown of the marriage.
2. The plaintiff shall have 100% of all right, title and interest in and to the residence located at 857 Roger Williams Avenue, East Providence, RI. Defendant is denied any equitable distribution at any time now or in the future.
3. The plaintiff is to have 100% right, title and interest in and to the 401K plan. Defendant is denied equitable distribution at any time now or in the future.
4. Plaintiff is awarded all household furnishings and personal property in her possession.
5. Plaintiff and defendant are both responsible for debts in their own names and shall hold each other harmless in relation thereto.
6. Plaintiff is allowed to waive alimony and the defendant is denied alimony.
7. Plaintiff is allowed to resume her maiden name of Fortes.